

From: "Arrigoni, Holly" <Arrigoni.Holly@epa.gov>  
To: "Havard, James" <Havard.James@epa.gov>  
Date: 10/23/2017 12:38:56 PM  
Subject: Deschutes TP - do we need something new this week?

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Here's what went through a month ago. Do you want to include that some discussions are happening or should we wait another week when we may have something more meaty?

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From: Lewicki, Chris  
Sent: Thursday, September 14, 2017 12:27 PM  
To: Havard, James  
Cc: Arrigoni, Holly  
Subject: Litigation TPs

Jim: I got the OVEC filing date wrong. It's not till first week of Oct, but will likely be extended a couple of weeks. So we don't need a TP on that yet.

Thanks to Holly for her Deschutes River NOI draft TP.

#### Deschutes River TMDL NOI

- On August 25, 2017, EPA received a notice of intent to sue from Northwest Environmental Advocates (NWEA). The NOI was filed for failure to approve or disapprove the submission.
- EPA R10 coordinated with WA Ecology on revisions of the 2015 TMDL after its formal submission. The State submitted a new request for approval on July 17, 2017, which asked EPA to review and approve only a subset of segments (eighteen) and parameters (temperature, fecal coliform, and fine sediment), while not modifying the original 2015 TMDL submission document.
- FOIA exemption (b)(5) [REDACTED]
- OWOW, Region 10 and OGC are working to identify next steps.

#### Background

- In 2015, Washington Department of Ecology submitted a TMDL for a total of 23 river segments (the Deschutes River and associated tributaries) and 5 parameters (temperature, fecal coliform, bacteria, dissolved oxygen, pH, and fine sediments).
- FOIA exemption (b)(5) [REDACTED]

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